

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

BENJAMIN SIZEMORE

Case: 2:19-mj-30603
Assigned To : Unassigned
Assign. Date : 11/19/2019
Description: RE: BENJAMIN
SIZEMORE (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 30, 2019 - November 19, 2019 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 922(g)(1)
18 U.S.C. § 545

Felon in possession of a firearm
Smuggling goods into the United States contrary to law

This criminal complaint is based on these facts:

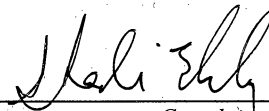
See Attached Affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 11/19/19

City and state: Detroit, MI



Complainant's signature

Shadi Elreda, Special Agent

Printed name and title



Judge's signature

David R. Grand, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Shadi G. Elreda, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with Homeland Security Investigations (“HSI”), United States Department of Homeland Security, and have been so employed since May 2018. I am currently assigned to the HSI Detroit office, Global Trade Task Force-Counter Proliferation Investigations (GTTF-CPI) which is tasked with investigating violations of U.S. law involving illegal exports/imports of goods being smuggled into and from the United States under various sections of the U.S. Criminal Code.
2. I am a graduate of the Federal Law Enforcement Training Center (“FLETC”) at Glynco, GA and Artesia, NM. At FLETC, I was trained in, among other things, criminal investigative techniques, and Counter Proliferation investigations. Prior to being a Special Agent with HSI, I was employed by the United States Federal Air Marshal Service (“FAMS”) as a Federal Air Marshal from December 2010 to May 2018. As a Federal Air Marshal, I worked in numerous law enforcement capacities to include serving as a Task Force Officer with the Joint Terrorism Task Force (“JTTF”) in Detroit, Michigan where I investigated terrorism related crimes from February 2016 to May 2018. Prior to being with the FAMS, I graduated from the South Carolina Criminal Justice Academy and served as a Patrol Officer with the Myrtle Beach Police Department (“MBPD”) from November 2008 to December 2010.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from witnesses, other special agents, law enforcement officers, documents, open source and government databases. This affidavit contains the information necessary to support probable cause and does not contain every material fact that I have learned during the course of the investigation; however, no information known to me that would tend to negate probable cause has been withheld from this affidavit.

STATEMENT OF PROBABLE CAUSE

Customs and Border Protection Seizure

4. On August 30, 2019, a parcel arriving from China was targeted for examination by Customs and Border Protection (CBP) National Targeting Center. The parcel was targeted under an operation primarily put into effect for the detection of illegal importation of Glock selector switches. Through this operation law enforcement discovered multiple shipments of firearm suppressors being manifested as “solvent traps” and/or “auto filters.” The importation of firearm suppressors is unlawful without going through the proper importation procedures.
5. On August 30, 2019, CBP JFK Officers responded to World Container Inc., a bonded warehouse, to investigate a package. A bonded warehouse is a customs-controlled warehouse for the retention of imported goods until the duty owed is paid. The listed shipper on the parcel was “Zou Xin Xinliang Warehouse, No. 329 Hongxing Zhejiang Hangzhou China 311224” and the consignee was “Benjamin Sizemore, 1***3 Omira Street, Detroit, Michigan 48203” (the actual address has been redacted but it is the residence of Benjamin SIZEMORE). CBP officers examined the parcel and determined it to be a firearm suppressor. CBP officers detained the suppressor for further review by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

6. Because the suppressor was destined to be delivered to Detroit, CBP from New York sent the suppressor to Detroit. On October 22, 2019, your affiant received this suppressor and retained it as evidence.
7. Based on the information received by CBP, HSI Detroit initiated an investigation into SIZEMORE. During this investigation, your Affiant discovered the following:

International Import History

8. As part of this investigation, your affiant discovered through law enforcement database queries that other parcels similar to the seized firearm suppressor were delivered to SIZEMORE at his residence. For example:
 - a. on August 14, 2019, a parcel arrived into the United States from China with SIZEMORE and his Omira Street residence as the consignee. The parcel was manifested as a "1228134X10 Aluminum Fuel Filter Sol". The shipper was "Zou Xin Xinliang Warehouse, No. 329 Hongxing Zhejiang Hangzhou China 311224". The parcel had a weight of 1.24 kg and a bill value of \$10.00. This parcel was from the same shipper as the firearm suppressor seized on August 30, 2019, and addressed to SIZEMORE at his residence. Furthermore, your affiant verified through the United States Post Office that said parcel was delivered into a mailbox on Omira Street on August 21, 2019.
 - b. on August 19, 2019, a parcel arrived into the United States from Singapore with SIZEMORE and his Omira Street residence as the consignee. The parcel was manifested as a "Fuel Filter". The shipper was "Ship XBorder, 20 UBI Crescent, #01-02, Singapore". The parcel weight was 0.535 kilograms (kg) and had a bill value of \$500.00. Your affiant discovered through law enforcement queries that the shipper of this parcel has had confirmed seizures of parcels suspected of being firearm suppressors. Furthermore, your affiant verified through the United States Post Office that said parcel was delivered to the Omira Street residence on September 4, 2019.

- c. on September 9, 2019, a parcel arrived into the United States from China with SIZEMORE and his Omira Street residence as the consignee. The parcel was manifested as a "9 Inch Filter". The shipper was "Xu Zhennan, 3rd floor, No 19, Dianli She, Huli Area, Fujian Xiamen, China 511430". The parcel had a weight of 0.5 kg and a bill value of \$2.00. Your affiant discovered through law enforcement queries that the shipper of this parcel has had confirmed seizures of parcels of suspected firearm suppressors. Furthermore, your affiant verified through the United States Post Office that said parcel was delivered to a mailbox on Omira Street on September 20, 2019.
- d. on August 15, 2019, a parcel arrived into the United States from China with SIZEMORE and his Omira Street residence as the consignee. The parcel was manifested as "Fuel Filter". The shipper was "Xu Xiaozhen, Xin Cheng Town Zhong Cun, Zheijang Hangzhou, China 325206". Your affiant discovered through law enforcement queries that the shipper of this parcel has had confirmed seizures of parcels of suspected firearm suppressors.
- e. on August 11, 2019, a parcel arrived into the United States from China with SIZEMORE and his Omira Street residence as the consignee. The parcel was manifested as a "Fuel Filter". The shipper was "Ke Jiafeng, rrom 106111 BlockB, Guandong Guangzhou, China 510000". The parcel had a weight of 0.5 kg and a bill value of \$3.00.
- f. on August 11, 2019, a parcel arrived into the United States from China with SIZEMORE and the Omira Street residence as the consignee. The parcel was manifested as a "Filter". The shipper was "Qin Juhuai, 3rd floor Xiajiao Market Xiajia Xih, Guandong Guangzhou, China 511430". The parcel had a weight of 0.6 kg and a bill value of \$14.00.

Benjamin Sizemore

9. A query of law enforcement databases and indices revealed that an individual by the name of Benjamin David Sizemore, date of birth of 03/**/1981 has a criminal history. Law enforcement records checks conducted revealed that SIZEMORE was issued a Michigan driver's license (DL#: S256085135184) that documents the 1***3 Omira Street, Detroit, MI 48203-168 as his address. The driver's license was issued on July 5, 2019, and expires on March 10, 2020.
10. On November 5, 2019, your Affiant obtained certified conviction documents from the Frank Murphy Hall of Justice which showed that SIZEMORE is a convicted felon based on the following offenses:
 - Michigan Statute 750.535 (2)(a): Buying, receiving, possessing, concealing, or aiding in concealment of stolen property of motor vehicle greater than \$20,000 (2002).
 - Michigan Statute 750.377(b): Malicious destruction of property; property of police or fire department (2002).
 - Michigan Statute 257.602 (a)(3)(a): Failure to stop at signal of police or conservation officer (2002).
 - Michigan Statute 750.535(3)(a): Buying, receiving, possessing, concealing, or aiding in concealment of stolen property of motor vehicle greater than \$1,000 but less than \$20,000 (2002).
11. On November 19, 2019, HSI Special Agents, Task Force Officers and ATF Special Agents conducted a search warrant on SIZEMORE's Omira Street residence. During the search warrant execution, Agents recovered
 - one .22 caliber assault-style rifle;
 - one Glock 9mm handgun;
 - two fully assembled 9mm polymer handguns (one equipped with a suspected silencer);
 - a Smith and Wesson .40 caliber handgun;
 - multiple high capacity gun magazines of various calibers;
 - multiple caliber rounds for various firearms;

- one ballistic plate;
- a pair of Carhartt bib overalls (not seized but allowed to be worn by SIZEMORE) that contained an empty holster and a loaded magazine in the pocket;
- 8 suspected silencers.

12. The polymer 9mm handgun with the suspected silencer attached to it looked like this:



13. On November 19, 2019, your Affiant consulted with ATF Special Agent Josh McLean, who determined that based on the information provided, the Glock 9mm handgun found at SIZEMORE's residence was manufactured outside of the state of Michigan and therefore traveled in or affected interstate commerce.

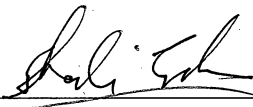
14. On November 19, 2019, HSI Special Agent Shadi Elreda and ATF Special Agent John Franklin conducted a voluntary and willful interview of SIZEMORE. SIZEMORE stated that he is aware that based on his felony convictions, he (SIZEMORE) cannot be in possession of firearms, firearm ammunition, and/or firearm silencers. SIZEMORE stated that he has ordered

approximately five to six firearm silencers from overseas, specifically Chinese companies. SIZEMORE stated that the suspected silencers were manifested as "solvent traps" or "auto/fuel filters." SIZEMORE stated that he drilled holes in two of the suspected silencers, attached them to firearms, and test fired them. SIZEMORE stated that he attached a silencer to a .22 caliber rifle and one polymer 9mm handgun. SIZEMORE also stated that the Carhartt overalls had a handgun in the holster at the time of the execution of the search warrant.

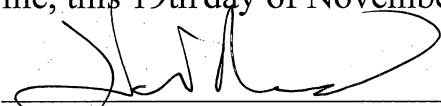
15. During execution of the search warrant at SIZEMORE's residence, agents discovered in the backyard of the home what appeared to be a target stand. The stand had several bullet markings on it suggesting it had been used for target practice. During his interview today, SIZEMORE admitted that he shot his .22 rifle in the backyard.

CONCLUSION

16. Based on the foregoing, there is probable cause to believe that SIZEMORE possessed one or more firearms, in violation of 18 U.S.C. § 922(g) (1), felon in possession of a firearm and imported one or more suspected silencers in violation of 18 U.S.C. § 545, smuggling goods into the United States contrary to law.


Shadi G. Elreda, Special Agent
Homeland Security Investigations

Subscribed to and sworn before
me, this 19th day of November, 2019


David R. Grand
United States Magistrate Judge
Eastern District of Michigan